

REMARKS/ARGUMENTS

Claims 1-3, 5-17 and 27, 28, 30-38 are pending in the application. Claims 4, 18-26, and 29 were previously cancelled. Claims 1-3, 5-19 and 21-38 stand rejected. Through this Amendment and Response, claims 1, 7, 9, 10, 27, 28, 30, 31, and 32 have been amended. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Rejection of Cancelled Claims

The Office Action dated June 27, 2008 rejected claims 18, 19 and 21-26. Applicants, however, canceled claims 18, 19 and 21 - 26 in the Amendment and Response dated March 14, 2008. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejections involving claims 18, 19 and 21 – 26.

Rejections under 35 U.S.C. 103

Claims 1, 2, 5-7, 9-18, 21, 23, 25-29, 30, 32, 34 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pub. No. 2006/0031883) in view of Finseth et al. (US Patent No. 6,813,775) and Collins et al. (U.S. Patent No. 6,424,828). The Applicants respectfully request reconsideration in view of the Remarks below.

The Office Action asserts that Finseth teaches the “transmission means” or “communication means” as recited in the independent claims. (As explained in more detail below, the claims have been amended in which “transmission means” has been amended to “a transmitter” and the “communication means” has been replaced with language to more clearly recite that the electronic program guide is “configured to communicate.”). Applicants respectfully disagree with the assertion because, as recited in the rejected claims, the transmitter is “configured to transmit a notification of *the program selected*.” (Emphasis added). Looking specifically to illustrative claim 1, the “program selected” for transmission by the claimed “transmission means” allegedly taught by Finseth is selected with “a user input receiver

configured to receive an input from a user *selecting a desired program scheduled to be available in the future from the first receiver.*” (Emphasis added, see also amended claims 7, 10, 27, 30 and 32, which also indicate that the program is “scheduled to be available in the future”).

Indeed, in the Amendment and Response dated March 14, 2008 Applicants first amended “available” into the claims and made further amendments to the “transmission means” that transmitted notification of the “available” program of the independent claims. As provided in paragraphs 25 and 26 of the present application:

It is further possible to set a reminder that displays a message on the TV set 3 at a predetermined time, for example a couple of minutes, *before the program starts* or sends an alert message, in the form of an SMS (SMS, short message device), to a mobile telephone a predetermined time, for example at least ten minutes *before the program starts*. ... A notification of the selected program in the EPG may alternatively 11 be transmitted to one or more persons, such as a friend or a multitude of friends, that is to their respective electronic program guide system. ... If the user wants to *recommend recording* 13 a recoding flag is set 14 in the notification. If the user also wants to *recommend reminder* 15 a reminder flag is set 16 in the notification, when the user does not want to recommend recording 13 at least the reminder flag is set 16, that is when *recommend recording* 15 is dropped a reminder flag is set 16. Further, if the user wants to send an alert message 17 to the friend or friends an alert flag is set 18 in the notification.

Paragraph 25, lines 5-9 and paragraph 26, lines 1-3 and 5-11; emphasis added. Thus, the term “available” as read in light of the Specification, are those programs provided on the EPG that may be “selected,” such as for recording, viewing, or flagging to remind a viewer “before the program starts.” Despite this Amendment, the Advisory Action dated August 26, 2008 asserts that “an available program need not be limited to program [*sic*] available for viewing.” Advisory Action dated August 26, 2008, page 2. Applicants respectfully disagree, nonetheless, Applicants have amended claims 1, 7, 10, 27, 30 and 32 to more clearly indicate that the referenced programs are “scheduled to be available in the future.” Applicants respectfully submit that such a program that is “scheduled to be available in the future” for recording, viewing, or reminding refers to programs before starting, and is not taught, described, or suggested anywhere in Finseth or any other art of record.

Applicants respectfully disagree with the Advisory Action’s contention that Column 13,

lines 19-24 and Column 14, lines 55-58 of Finseth enables the first user to recommend a program to a second user as recited in the claims. See Advisory Action dated August 26, 2008, page 2. Specifically, the text of Finseth cited by the Office Action is provided in relation to “[a] second user device such as the receiver 64 of the selected recipient at destination receiver station 34 receiv[ing] **preference information** via interface 82, which is represented by box 138.” Finseth, Col. 12, line 66 – Col. 13, line 2, emphasis added. (Remaining portions of the cited text, for example, Col. 13, lines 12 and 19, refer to the information as “viewing preference information,” and other portions of the Specification, for example the heading at Col. 12, line 7, refer to the information as “viewer preference information.”).

As indicated throughout Finseth, this “preference information” or “viewer preference information” is stored in a user-specific sub-**history** table, organized by “attributes of the television program **viewed** by a user.” Col 12, lines 21-23; emphasis added. Therefore, any programs are no longer “scheduled to be available in the future” as recited in the rejected claims. Indeed, while the cited passage of Finseth discloses that “a user may choose to tell a recipient only about a specific television program,” this refers to transmitting a viewed television program as an alternative to “choos[ing] to share the entire contents of his/her user-specific **sub-history** table with the selected recipient.” Col. 12, lines 31-38; emphasis added. As discussed above, the sub-history table comprises information on **viewed** programs. In fact, the cited passage in which a user may transmit a specific television program to another user is in reference to Figure 7, which, according to the teachings of Finseth shows receiver 64 that “compiles information about a first user’s viewing preferences by storing, in a user-specific **sub-history table**, attributes of the television program **viewed by a user**.” Finseth, Col. 12, lines 21-23; emphasis added; see also Col. 10, lines 48-55; referring to “viewed” and “watched” programs. Thus, the “specific program” of Finseth is not equivalent to the “selected program” recited in the “transmission means (claim 1) and the “communication means” (claim 30) because the specific programs of Finseth are not “scheduled to be available in the future” as recited in independent claims 1 and 30.

In regards to the rejections of 27, 32, and 38, independent claims 27 and 32 have been

amended to more clearly indicate that the selected program is “scheduled to be available in the future.” For at least the foregoing, Applicants respectfully submit that neither Ellis, Finseth, Collins, nor any other art of record teach, disclose, or suggest, whether individually or in combination, the subject matter of the claims as presently presented, and therefore respectfully request reconsideration and withdrawal of the rejection.

Applicants further respectfully submit that combining the systems of Finseth and Ellis will not cure the deficiencies discussed above as proposed by the Advisory Action dated August 26, 2008 (see page 2). Rather, the independent claims are directed towards systems and methods that are capable of providing (or receiving) guide information (such as recording or reminder requests) to other individuals, such as friends and family, who have their own program guide and receiver rather than merely remotely accessing the single guide to modify the recording schedule of a single receiver.

Specifically, claim 1 recites:

a user input receiver configured to receive an input from a user selecting a desired program scheduled to be scheduled to be available in the future from the first receiver;

transmitter configured to transmit a notification of the program selected from said first electronic program guide memory to a second remote electronic program guide memory connected to a second receiver, wherein said transmission means also are configured to transmit an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset.

(Emphasis added). Ellis merely discloses allowing a user to set their own recordings and thus only discloses a single receiver. Because Ellis is only directed towards a single user's single receiver, there can be no suggestion of a second receiver as claimed. In fact, Ellis teaches away from utilizing a second receiver. Specifically, Ellis describes the problem with set-top boxes (receivers) not being portable. First, Ellis explains that “[i]nteractive television program guides are typically implemented on set-top boxes located in the homes of users. A typical set-top box is connected to the user's television and videocassette recorder. The program guide system is therefore not portable. As a result, the user cannot use the program guide to adjust program reminder settings, to select programs for recording, to purchase pay-per-view programs, or to

perform other program guide functions without that user being physically located in the same room in the home.” Ellis, Background of the Invention, paragraph 5, lines 1-9. Ellis criticizes such systems because they “require that the user be physically present in the home to access important program guide features such as program reminders, parental control, and program recording.” See Ellis, Background of the Invention, paragraph 9, lines 2-4. Ellis then states in the next sentence that “[i]t is therefore an object of the present invention to provide an interactive television program guide system in which the program guide may be remotely accessed by the user. Such a system may allow the user to access important features of the user's in-home program guide from a remote location and set program guide settings for those features.” Never does Ellis reverse the disclaimer and suggest that a second receiver be used. Rather, the proposed invention of Ellis proposes using portable systems without receivers. Despite providing several different types of portable systems, not one has a receiver.

Furthermore, Applicants respectfully submit that combining the systems of Ellis and Finseth does not teach, suggest, or disclose the subject matter of the pending claims. Specifically, as discussed above, Ellis merely discloses using a remote device to allow a user to have remote access to programs broadcast over a single receiver. Merely applying the second receiver of Finseth which allows users to transmit their history of viewed programs still does not teach “a user input receiver configured to receive an input from a user *selecting a desired program scheduled to be available in the future from the first receiver.*”

For at least the foregoing, Applicants respectfully submit that neither Ellis, Finseth, Collins, nor any other prior art of record teach, disclose, or suggest, whether individually or in combination, the subject matter of the claims as presently presented, and therefore respectfully request reconsideration and withdrawal of the rejection.

Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2006/0031883) in view of Collins et al. (U.S. Patent No. 6,424,828). Applicants respectfully request reconsideration in view of the Remarks below.

Applicants respectfully disagree. As discussed in the response dated March 14, 2008, Ellis, the primary reference asserted against the claims, appears to disclose systems which allow a user to modify his/her own recording schedule. In this regard, the user is merely remotely accessing his/her own program guide – thus there is only *one* electronic program guide. Applicants believe that the teachings of Ellis are different from the subject matter of the recited claims. Specifically, claim 28 recites:

creating a notification of the program selected *from said electronic program guide*; [and]
obtaining transmission of the notification of the program selected from said electronic program guide *to at least one remote electronic program guide* system.

Emphasis added. For at least this reason, Applicants respectfully submit that neither Ellis nor Collins (or any other prior art of record) teaches, discloses, or suggests, whether individually or in combination, the subject matter of claim 28, and therefore respectfully request reconsideration and withdrawal of the rejection.

Furthermore, through this Response and Amendment, Applicants have amended claim 28 to more clearly recite that the program is “a desired program *scheduled to be available in the future* from said electronic program guide.”

For at least this reason, Applicants respectfully submit that neither Ellis nor Collins (or any other prior art of record) teaches, discloses, or suggests, whether individually or in combination, the subject matter of claim 28, and therefore respectfully request reconsideration and withdrawal of the rejection.

Claims 3, 8, 19, 22, 24, 33 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2006/0031883) in view of Finseth et al. (U.S. Patent No. 6,813,775) and Collins et al. (U.S. Patent No. 6,424,828) and Haken (U.S. Pat. Pub. No. 2004/0008972). Applicants respectfully request reconsideration in view of the Remarks below.

As discussed above, Finseth does not teach, disclose, or even suggest the subject matter of independent claim 1, from which claims 3 and 8 depend from. Furthermore, claims 19, 22 and 24 were canceled in the response an amendment dated March 14, 2008. Lastly, claims 33 and 25 depend from claim 1. Claim 31 has been amended to more clearly indicate that the selected program is “scheduled to be available in the future.” Specifically, claim 31 has been amended to recite “a notification via SMS of a program *scheduled to be available in the future* selected from said electronic program guide.” For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 31, 36 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2006/0031883) in view of Finseth et al. (U.S. Patent No. 6,813,775) and Collins et al. (U.S. Patent No. 6,424,828) and Corliss (U.S. Patent No. 6,771,949). Applicants respectfully request reconsideration in view of the Remarks below.

Claim 31 has been amended to more clearly indicate that the selected program is scheduled to be available in the future. Specifically, claim 31 has been amended to recite “a notification via SMS of a program *scheduled to be available in the future* selected from said electronic program guide. Therefore, the amendment to claim 31 does not require a new search and is supported by the Specification. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection.

Amendments to Claims 1 and 30

Through this Amendment and Response, Applicants have amended claims 1 and 30 to more clearly recite the scope of the recited embodiments. Specifically, the first electronic program guide of claim 1 is “configured to communicate” with the first receiver. Secondly, the transmitter of claim 1 “is configured” to transmit an alert message. Lastly, the recited “transmission means” of claim 1 has been replaced with “transmitter.” In regards to claim 30, a receiver is now “configured to receive” and the term “receiver” has replaced “receiving means.” Likewise, the term “transmission means” has been replaced with “transmitter.” Applicants further respectfully submit that the claim amendments are supported by the Specification.

Appln. No.: 09/891,380
Response/Amendment dated September 17, 2008
Response to Office Action dated June 27, 2008
Response to Advisory Action dated August 26, 2008

CONCLUSION

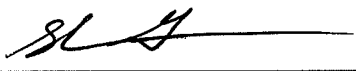
All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By: _____


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